



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**MARCH 17, 2003 AT 7:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held March 17, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown  
Vice Mayor James Gilbert  
Councilor Harriet Pruette  
Councilor Larry Shealy  
Councilor John Weldon  
City Attorney Christopher White  
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC  
Director of Public Safety William Brandt  
Director of Public Services Leon Smith  
Assistant to the City Manager Terry Klein  
Assistant to the Building Official Piper Turner  
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

Mayor Brown called the meeting to order at 7:00 p.m.

**COMMITTEE REPORTS**

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: The Ish Brant Beautification Committee was seeking a proposal from a landscape architect to design planting along the ditch that is being covered with the bike path. The funding would come from the Duval County Tree Mitigation.

**CITY MANAGERS PUNCH LIST**

Bike Path

FLORIDA BOULEVARD BIKE PATH: The bike path was progressing. The Florida Department of Transportation was working on some problems with the construction.

Utility Improvement  
Water

WATER IMPROVEMENT PROJECT: The water improvement project was winding down. The original completion date was March 13, 2003. The contractor had 33 additional calendar days to complete the work east of Third Street, Phase B & C. There was also an additional 29 days for the Penman Road Crossing and 2 days for the stub out. The system had been pressure tested. He was awaiting a report from the engineer regarding the bacteriological testing. The connections were being made. Some homes were having problems with weak pipes due to the increased water pressure.

Council Weldon stated he wanted to revisit the issue of potential damage to residential plumbing. He added, as a courtesy, citizens might need to be noticed that there could be damage to pipes.

Utility Improvement

SEWER IMPROVEMENT PROJECT: The sewer improvement was going well. The

- Sewer contractor was proceeding on schedule, paving and replacing the sod as they go.
- Councilor Pruette stated puddles were standing in areas where the contractor has repaved.
- Kings Rd. Bridge KINGS ROAD BRIDGE: The 90% drawings had been received and were available. However, since the drawings arrived a letter, from the Department of Transportation was received indicating the inspection completed on March 26, 2003, did not pass. The stringers were cracking and splitting. Public Works Director Leon Smith was working on a cost estimate for the repairs of the stringers. This brings to question whether to proceed with the plans to repair the bridge or to consider replacement of the bridge. Mr. Linn suggested setting a date to meet on location with the engineers to determine which direction to proceed.
- Discussion ensued regarding heavy vehicle traffic on the bridge.
- Consensus: **COUNCIL TO MEET AT THE KINGS ROAD BRIDGE MONDAY, MARCH 24, 2003 AT 6:00 P.M.**
- Drainage Impr. DRAINAGE IMPROVEMENT: Councilor Pruette was concerned about a drainage project that was approved many years ago that involved covering up ditches. Citizens were concerned about cutting down trees, higher water in the Hopkins Creek, flooding, and through traffic on streets. Mr. Linn stated it was a Florida Department of Transportation project that would improve the drainage between Ocean Oaks and Neptune Lane. The drainage starts in Jacksonville Beach, flows north up Fifth Street, goes under Fifth Street to Penman Road and out into the marsh. The DOT designed the project and a public hearing was held. Councilor Weldon asked City Manager Linn to add this project to his punch list.
- Underground Containers UNDERGROUND CONTAINER: City Manager Linn signed a proposal with Alpha Manufacturing to purchase 15 sandstone colored containers to be placed on the beach.
- Public Services Facility PUBLIC WORKS FACILITY: The 60% drawings were complete and available for review. City Manager Linn would schedule a meeting with the architect if necessary.
- Councilor Weldon stated he would like the architect PQH, to make a presentation to the Council on the project.

#### **PUBLIC COMMENTS**

- Samuel Lloyd, 223 Florida Boulevard, requested the city install speed control devices on Florida Boulevard to slow traffic that accelerates to catch the green light at Florida Boulevard and Third Street.
- Dan Disch, 224 Florida Boulevard, requested the city install speed bumps on Florida Boulevard east of Third Street due to the high volume of traffic and safety of the children.
- Lynda Padrta, 1113 First Street, supported placing speed bumps on Florida Boulevard. She stated she had noticed a change in her water pressure since the new water lines were installed and connected. She asked Council to consider the details of the cable franchise agreement and try to model the City of Jacksonville's franchise agreement. She added she had a wonderful boss.
- Ron Powell, 1830 Nightfall Drive, was concerned about the safety of the Kings Road Bridge. He favored a complete new bridge.

Beth Schultz, 608 Valley Forge Road North, was concerned how the ordinance requiring landlord registration would be enforced.

Tim Kazmierzak, 2102 Acacia Road, was concerned about the weight limit on the Kings Road bridge. He suggested opening an alternate route for heavy vehicles. He stated there was a one-block section of Kings Road that did not have a sidewalk and asked for the sidewalk to be installed. He added Acacia Road was not a heavy-duty road and the garbage trucks were shifting the pavement.

Judy Bost, 115 Walnut Street, stated she did not object to landlord registration. She did question how it would benefit the city.

LuJuan Kazmierczak, 2102 Acacia Road, asked the city to install a sidewalk on the one block portion of Kings Road that was without one.

Donald White, 1414 First Street, opposed an ordinance that would require landlords to register with the city. He felt enforcement of the current parking ordinance would curb the partygoers. He thanked the council for having stop signs installed on First Street adding that they helped to slow traffic. He suggested adding angled parking on Florida Boulevard with sidewalks on each side.

#### **PROPOSED ORDINANCES**

Ordinance  
No. 2003-03

**ORDINANCE NO. 2003-03, PEDDLERS AND SOLICITORS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 15, PEDDLERS AND SOLICITORS, AMENDING SECTION 15.1, AND ADDING SECTIONS 15.5, 15.6, AND 15.7 AND PROVIDING AN EFFECTIVE DATE.**

City Attorney White suggested inserting language in Section 15.5 at the end of subparagraph a: "including ATM's and immediate surrounding area."

Consensus: **TO ADD THE LANGUAGE SUGGESTED BY THE CITY ATTORNEY AND LEAVE THE LANGUAGE "SOLICITING A RIDE" IN TACK AND FORWARD TO THE APRIL REGULAR MEETING FOR SECOND READ AND PUBLIC HEARING.**

Ordinance  
No. 2003-XX

**ORDINANCE NO. 2003-XX, LANDLORD REGISTRATION: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO LANDLORD REGISTRATION; AND PROVIDING AN EFFECTIVE DATE.**

City Attorney White stated an editorial correction was made on page 2 the word permit was taken out and replaced with the word registration. City Manager Linn stated in Section C insert the word "be" before "unlawful."

Mayor Brown opposed the ordinance. He was concerned about the cost and workload this would put on staff and also felt it was a step toward inspections. City Manager Linn stated the initial year would create a workload of creating the register. After the first year it would only need to be updated and should not be that great a task.

Councilor Pruette questioned when the ordinance would be put into effect. City Attorney White stated the ordinance would not be implemented on an immediate basis. The Council would have to define an effective date.

Councilor Shealy questioned what the benefit to the city would be. City Manager Linn stated the greatest benefit would be for the city to be aware of how many rental units

there were in the city and whom they belonged to. The information could be used in controlling density.

Councilor Weldon stated the registration would help control density and illegal apartments. It would also make landlords more responsible.

Councilor Shealy felt it would be a privacy issue and he was not comfortable with the ordinances.

City Attorney White stated the ordinance would provide a tool to enforce the ordinance limiting the number of unrelated persons living in a single residence. Councilor Pruette agreed.

Councilor Gilbert stated most of the citizens he spoke with did not have a problem with registration. They did have a tremendous problem with permits and annual inspections. He added it would help identify the owner of the property. He agreed it was only a tool.

City Attorney White asked the Council when they would like the ordinance to take effect. Councilor Weldon suggested 90 days after passing. Mayor Brown suggested January 1, 2004.

Councilor Weldon agreed to sponsor the ordinance.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING FOR FIRST READ.**

Recess/Reconvene Mayor Brown called a recess at 8:15 p.m. the reconvened at 8:20 p.m.

#### **CONTRACTS / AGREEMENTS**

CATV Franchise **PROPOSED ATTORNEY-CLIENT AGREEMENT WITH LEIBOWITZ & ASSOCIATES TO SERVE AS ADVISORS TO THE CITY MANAGER IN THE FRANCHISE RENEWAL NEGOTIATIONS WITH COMCAST:** City Manager Linn asked to table the renewal of the cable franchise agreement. It did not expire until September 8, 2005. City Attorney White stated it was not in the time window to renew.

#### **ISSUE DEVELOPMENT**

Police Jackets **REQUEST FOR PUBLIC SAFETY TO EXPEND \$6,000 FOR UNIFORM JACKETS FROM THE FINE AND FORFEITURE FUND:** City Manager Linn requested the Council approve an expenditure from the Fines and Forfeiture Fund in the amount of \$6,000 for new police jackets. The Florida Statutes required approval from the Council to use the Fine and Forfeiture Fund. Chief Brandt stated the jackets were around \$250.00 each and they could be worn during all seasons.

Consensus: **FORWARD TO THE APRIL REGULAR COUNCIL MEETING CONSENT AGENDA.**

Nature Preserve **ESTABLISHMENT OF A NATURE PRESERVE:** Councilor Pruette wanted to establish a nature preserve at the foot of Seagate Avenue and protect the area to allow residents to visit and watch sunsets and boats.

City Attorney White advised leaving the area alone as a city right-of-way. The original deed specified the right of way could be used only and exclusively for streets and utilities. The Council would run the risk of losing the right-of-way by allowing the property to be used for any other purpose.

Councilor Gilbert suggested allowing citizens to use the end of Forest Boulevard for observing sunsets and boats traveling on the intracoastal. City Manager Linn responded the property was going to be used as part of the new public works facility.

Councilor Pruette asked if two parking spaces and signs could be placed at the end of Seagate Avenue and Forest Boulevard to make citizens aware they could access the area for their enjoyment.

Councilor Shealy stated placing parking spaces at the end of the street would invite unwanted strangers onto others property. He added sunsets over the intracoastal could be viewed in other areas.

Councilor Gilbert agreed adding he would not want strangers parking at the end of his street. He stated there was a big difference between the street ends on the ocean and the intracoastal street ends.

City Manager Linn added parking was allowed anywhere in the city as long as a "no parking sign" was not posted.

Steve Jarrett stated from the audience that his new development plans included paving Seagate Avenue all the way down to the intracoastal allowing for a 180° full view of the intracoastal right on the proposed paved road. He added there was not a lot of traffic on the west end of Seagate Drive except for the people that lived there. He did not see what else could possibly be done to make the property available to the public.

#### Traffic Safety

TRAFFIC SAFETY EAST OF THIRD STREET: Councilor Shealy was concerned about the traffic safety east of Third Street. He stated Florida Boulevard, Bowles Street, Davis Street, and Lara Street, south of Florida Boulevard were the only streets left east of Third Street that did not have speed bumps. He suggested using the money saved from the traffic calming islands on First Street be used to for a circular plant island at Florida Boulevard and First Street and to install stop signs and speed bumps on those streets that did not have them.

City Manager Linn stated it would best to install the traffic calming devises after the Utility Improvement Project was complete and the major resurfacing was done. He suggested speed humps in lieu of speed bumps.

Consensus: **TO INSTALL SPEED BUMPS ON FLORIDA BOULEVARD.**

#### City Manager Contract

EXTENSION OF EMPLOYMENT CONTRACT FOR THE CITY MANAGER: City Manager Linn requested Council consider extending his employment agreement for a two-year term past the July 7, 2003 expiration date.

Councilor Gilbert stated the City Manager dealt with a lot of problems. He felt the City Manager was doing a good job in each city department with the exception of complaints about the building department. He favored a two-year extension.

Councilor Shealy felt the Council should conduct a performance evaluation in fairness to the City Manager. He added he had not been on the council long enough to have the information required to extend the contract another two years. He suggested extending the contract one year with an option after that. He added the contract asked the City Manager to prepare in writing his annual goals and objectives.

Mayor Brown stated the City Manager position was challenging and he supported the request for a two-year contract extension.

Councilor Pruette stated there were many projects in process that were initiated by City Manager Linn and it would be unfair not to extend his contract. She also felt the Building Department was the weakest link. She suggested the Council and City Manager define the City Managers goals together. She favored a two-year extension.

Councilor Weldon stated he had not been on the council long enough to extend the contract another two years. He would be satisfied with a one-year extension. He stated the building department had a tough job resisting the pressure of the citizens as well as acting in the best interest of the community.

Discussion ensued regarding the terms and conditions of the contract.

City Manager Linn asked the council to consider altering the contract for a separation pay of six months in lieu of three months, changing the base salary in Section 7 to reflect his current salary, strike the annual 5% salary increase to have the salary increase set by the council at budget review, and to have his performance review in writing one council member at a time in lieu of at a public meeting.

Consensus: **TO FORWARD TO THE APRIL REGULAR MEETING.**

Adjournment

There being no further business, the meeting adjourned at 9:53 p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_